



Atty. Docket No.: 3284/1235

PATENT

P#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Habener, et al
Serial No.: 09/963,875
Filed: September 26, 2001
Entitled: Stem Cells of the Islets of Langerhans and Their Use in Treating Diabetes Mellitus

Examiner: Not Yet Assigned
Group Art Unit: 1632
Conf. No.: 9674

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Elizabeth N. Spar
Name of Person Mailing Paper
Elizabeth N. Spar
Signature of Person Mailing Paper

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 citing eight References;
3. Copies of eight Cited References; and
4. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 3284/1235. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: 6-11-03

Elizabeth N. Spar reg #45, 123 for
Name: Kathleen M. Williams
Registration No.: 34,380
Customer No.: 29933
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100

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Commissioner for Patents

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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97 AND 1.98**

Dear Sir:

In accordance with the duty of disclosure under 37 CFR § 1.56, Applicant submits this Information Disclosure Statement pursuant to 37 CFR §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office. A listing of the cited documents is also enclosed, as well as, for the Examiner's convenience, copies of the documents in the list.

Pursuant to CFR § 1.97(e)(1), each item contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application or International application. Please note the Cornelius, et al and Ramiya, et al., references cited in the International Search Report were previously cited in the Information Disclosure Statement filed on February 1, 2002. Because this statement is being filed within three months of receipt of the Search Report, no fee is believed to be due. A copy of the Search Report is included and cited on the enclosed PTO-1449.

Applicant does not intend to represent that any of the documents submitted herein are material prior art to this invention or that the list represents an exhaustive search of documents related to this invention.

Applicant respectfully requests that the documents submitted herein be considered and made of record in this application.

Respectfully submitted,

Elizabeth N. Spar Reg # 45,123 b

Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

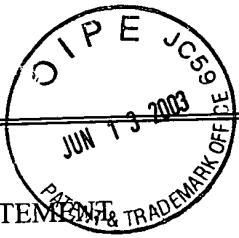
Palmer & Dodge LLP

111 Huntington Avenue

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Tel: 617-239-0100

Date: 6/11/03



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INFORMATION DISCLOSURE STATEMENT

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|----------------------------------|--------------------------|
| Attorney Docket No. 3284/1235 | Serial No. 09/963,875 |
| Applicant(s): Habener, et al | |
| Filing Date: September 26, 2001 | Group: 1632 |

U.S. PATENT DOCUMENTS

| Examiner Initial | Patent No. | Date | Name | Class | Subclass | Filing Date (if appropriate) |
|------------------|------------|------|------|-------|----------|------------------------------|
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FOREIGN PATENT DOCUMENTS

| Examiner Initial | Document No. | Publication Date | Country | Class | Subclass | Translation | |
|------------------|--------------|------------------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| 1. | 97/15310 | May 1, 1997 | WO | A61K | 31/70 | | X |
| 2. | 01/39784 | June 7, 2001 | WO | A61K | 35/00 | | X |
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

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|----|---|
| 3. | Peck, et al. Pancreatic stem cells: building blocks for a better surrogate islet to treat type 1 diabetes, 2001, <i>Ann Med.</i> , 33: 186-192 |
| 4 | Zulewski, et al., Multipotent Nestin-Positive Stem Cells Isolated From Adult Pancreatic Islets Differentiate Ex Vivo Into Pancreatic Endocrine, Exocrine, and Hepatic Phenotypes, 2001, <i>Diabetes</i> , 50:521-533 |
| 5. | Zhou, et al. The ABC transporter Bcrp1/ABCG2 is expressed in a wide variety of stem cells and is a molecular determinant of the side-population phenotype, 2001, <i>Nature Medicine</i> Volume 7, Number 9: 1028-1034 |
| 6. | Hunziker, et al., Nestin-Expressing Cells in the Pancreatic Islets of Langerhans, 2000, <i>Biochemical and Biophysical Research, Communications</i> 271:116-119 |
| 7. | International Search Report dated April 17, 2003, from International Application No. PCT/US02/30700 |
| 8. | International Search Report dated March 4, 2003, based on Application No. EP 00980985 |

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

**Copies of references not provided at the time of this submission